

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED

03 APR 22 PM 4:28

NO. 02 CV 103-LH/RHS

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

v.

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

AFFIDAVIT OF ALBERTO A. LEÓN

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

Alberto A. León, upon his oath states the following to be true and correct:

1. I am an attorney admitted to practice in the courts of the State of New Mexico and by the U.S. District Court for the District of New Mexico. I am a partner with the Albuquerque, New Mexico firm of Bauman, Dow, McIntosh & León, P.C. Our firm represents MesoSystems Technology, Inc., in the above-captioned matter. I have personal knowledge of the facts stated herein.

2. On August 16, 2002, Plaintiffs were each served with MesoSystems' First Set of Interrogatories, Requests for Production, and Requests for Admission. Relevant excerpts of Cory Phillips' Answers to Defendant's First Set of Interrogatories, Requests for Production, and Requests for Admission are attached hereto as Exhibit A. Relevant excerpts of Plaintiff James Scaba's Answers to Defendant's First Set of Interrogatories, Requests for Production, and Requests for Admission are attached hereto as Exhibit B. In

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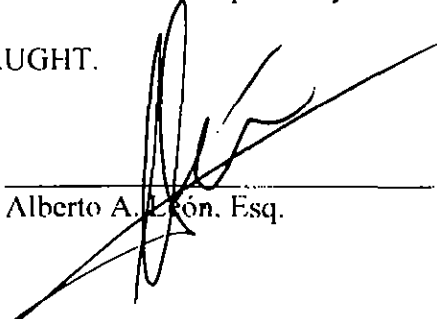
Plaintiffs' responses to MesoSystems' written discovery, both Seaba and Phillips executed before a notary a Verification acknowledging the veracity of the answers to the interrogatories.

3. On April 2 and continuing on April 3, 2003, I conducted the deposition of Plaintiff James Seaba in connection with the discovery process in this case.

4. On April 3, 2003, I conducted the deposition of Plaintiff Cory Phillips in connection with the discovery process in this case.

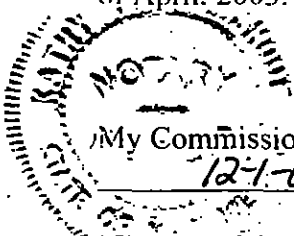
5. I have reviewed the transcripts of the depositions of Plaintiff's Seaba and Phillips. True and correct copies of the excerpts from the transcripts of the deposition of Seaba and Phillips are attached hereto as Exhibits C and D, respectively.

FURTHER AFFIANT SAYETH NAUGHT.


Alberto A. León, Esq.

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me by Alberto A. León this 22nd day of April, 2003.




NOTARY PUBLIC

My Commission Expires:
12-1-05

I HEREBY CERTIFY that a true and correct copy of the foregoing was hand-delivered to counsel of record this 22nd day of April, 2003.

**THE EXHIBITS ATTACHED TO
THIS PLEADING ARE TOO
VOLUMINOUS TO SCAN. SAID
EXHIBITS ARE ATTACHED TO THE
ORIGINAL PLEADING IN THE CASE
FILE WHICH IS LOCATED IN THE
RECORDS DEPARTMENT, U.S.
DISTRICT COURT CLERK'S
OFFICE...**